

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 20, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, March 20, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Mr. Richard Barton, Grace Episcopal Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He stated he had no new information to report but offered to answer the Board's questions.

Mrs. Noll thanked VDOT for supporting a traffic light at the intersection of Mooretown Road and Airport Road.

Mr. Wiggins asked how far the bike paths on Goodwin Neck Road would go and when the project would be finished.

Mr. Mazur stated he wasn't sure how far the bike paths would go, but asphalt and striping was needed, but installation would depend on the weather conditions. He indicated a couple of weeks to a month would be adequate time to complete the paths.

Mr. Wiggins asked that the dangerous roadside conditions of Wolftrap, Goodwin Neck, and Hornsbyville Roads due to narrow shoulders and piping that had been placed along the road side be checked.

Chairman Burgett mentioned that his request for potholes to be filled was completed very promptly, and he expressed his appreciation.

PRESENTATIONS

EARLY CHILDHOOD DEVELOPMENTAL PROGRAMS

Mrs. Belinda Willis, Chief of Children's Services, appeared before the Board with an overview of the Early Childhood Developmental Programs. She explained that early childhood programs are critical to the welfare and needs of young children. She further explained that the childhood programs were in line with the Board of Supervisors' goals to generate quality educational opportunities for all citizens. She elaborated on some of the services such as the quality of preschool and childcare, the long-term outcome of early childhood development, community partners working collaboratively, and the operations of York County government in conjunction with early childhood development.

CITIZENS COMMENT PERIOD

Ms. Jean Petkofsky, 238 Kingsgate Road, appeared to discuss her concerns with Williamsburg Christian Academy's plan to build a private school off Fenton Mill Road. She stated the many residents of that area were concerned with the effect the school would have on the area. She stated they were especially concerned about the main entrance on Fenton Mill Road which is a very narrow road, which would also affect the traffic on Newman Road.

Ms. Kerry Mellette, 125 Cherwell Court, also spoke about the proposed Williamsburg Christian Academy and her belief that it would encroach on the residential character of the surrounding neighborhoods. She explained that the Burke property, on which the school would be built, was an undeveloped parcel surrounded by an existing residential neighborhood. She was concerned about the effects the one-entrance design would have on the neighboring roads and subdivision.

Ms. Susan Sparrer, 516 Sparrer Road, spoke of the Planning Commission meeting and the 20 speakers who spoke in favor of a restaurant being built at the Dare Marina. She stated the speakers were affiliates or employees of the marina. She specified that the marina resided in a waterfront, commercial, industrial zone, and that restaurants were not allowed in that zone. She stated she felt that the proper place for a restaurant was at the Yorktown waterfront since it is a business district.

Mr. Linwood G. Burcher, 701 Patricks Creek Road, stated this was his fourth time before the Board with concerns about York County easements. He stated he conveyed an easement to the County and expressed his continued unhappiness with the easement and its boundary lines.

Mr. Kenneth Jaworski, 233 Kings Grant Drive, appeared to request that his sewer connection fee be reduced to \$2,500, and stated he did not have full understanding of the terms offered. He stated once he received a letter from the County Attorney, he went to see the County Administrator and offered to pay the \$2,500 connection fee.

Mr. Jim Hundley, 117 Old Dare Road, wanted some clear idea of when and how the decision would be made regarding the Dare Marina. He suggested the Board conduct a town meeting to receive citizens' input. He also suggested that the Board members drive down Railway Road to get an idea of what extra traffic would do to that road.

Ms. Ann Copeland, 226 Rich Road, was pleased that the Dare Marina issue had been delayed and that further research was being done. She expressed her concern about the lack of park-

ing that a potential restaurant could generate and the possibility of cars parking on Railway Road.

Ms. Nancy Nunn, 801 Railway Road, stated that restaurants were not allowed in the WCI zone. She indicated she felt a double standard would be set for restaurants outside the proper zone but not for restaurants in the WCI zone. She stated other marinas in the area were watching for the outcome of this issue with the potential of adding restaurants to their facilities.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett presented the Board with copies of applications for the position of County Administrator. He explained he would continue to collect applications as they came in since the advertisement indicated that the position was opened until filled.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its budget work sessions scheduled for 22, 27, and tentatively 29 March, and he mentioned receiving input from the Board members the topics they would like to discuss at the work sessions. He spoke of the revised calendar that included joint meetings with the Planning Commission and the Industrial Development Authority and the new starting time of the work sessions at 6:00 p.m. which will begin after April 3, 2001. He reported on a meeting he attended with representatives of the Jamestown-Yorktown Foundation Board. He then reviewed a proposed letter addressing revenue sharing priorities for FY02 and asked Chairman Burgett to sign the letter so that VDOT may be notified of the County's priorities for the Revenue Sharing Program if the Board members had no objections.

MATTERS PRESENTED BY THE BOARD

Mr. Ashe reported on working with the Youth Commission and selecting the candidates for the Outstanding Youth Awards. He stated the winners would be presented with a Resolution on May 1, 2001, at Grace Church following a reception for the winners. He stated the Department of Parks and Recreation would be taking applications from teenagers in the County who are desirous of being on the Youth Commission next year. He also reported on his efforts to acquire funding from VDOT's Transportation Enhancement Grant Program and thanked staff for its help with that effort.

Mrs. Noll thanked the staff for work on the County's website. She stated she was impressed with the web and encouraged everyone to view the site and enjoy the available links. She reminded everyone of the great job of the Beautification Committee and the Master Gardeners. She recognized VDOT for the planting of daffodils along the sides of the roads. She elaborated on the status of the King William Reservoir and the report from the Army Corp of Engineers concerning its negative decision for localities to obtain water from the reservoir. She elaborated on the importance of planning for water needs in the future and the affordability of water for everyone. She stated there was a 45-day public comment period cited in the Corps' letter, and she encouraged citizens to voice their opinions.

Mr. Wiggins stated he had attended a few groundbreakings in the area including the new pool for the Queen's Lake Community Center, and the new building at St. Mark's Lutheran Church. He reported the clinic in the Lackey area was going to build a new building with the

help of the York County Business Association, and he encouraged people to volunteer and get involved in the project. Mr. Wiggins explained that the Peninsula Home Builders Association was going to build a hospice house and that his company was donating to that. He also mentioned that a new dining room addition was planned for the Seaford Yacht Club'.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:06 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

VACATION OF DRAINAGE AND UTILITY EASEMENT.

Mr. Barnett made a brief presentation on proposed Ordinance No. 01-2 to authorize the execution of an instrument vacating a portion of an existing drainage and utilities easement across property owned by Tabb Lakes, Ltd.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 01-2 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN
INSTRUMENT VACATING A PORTION OF AN EXISTING DRAINAGE
AND UTILITIES EASEMENT ACROSS PROPERTY OWNED BY TABB
LAKES, LTD.

There being no one present who wished to speak concerning the subject Ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R01-2 which reads:

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN INSTRUMENT VACATING
A PORTION OF AN EXISTING DRAINAGE AND UTILITIES EASEMENT ACROSS
PROPERTY OWNED BY TABB LAKES, LTD.

WHEREAS, by subdivision plat recorded in the Clerk's Office of the Circuit Court for the County of York, Virginia, in Plat Book 11, page 177, the York County Board of Supervisors was granted a 20' drainage and utilities easement across property now owned by Tabb Lakes, Ltd., and designated as Parcel B2, as shown on a plat entitled "Plat of Easement Conveyance and Easement Vacation From: Tabb Lakes, Ltd. To: The County of York, Virginia, Bethel District, County of York, Virginia," dated May 12, 2000, revised January 8, 2001, made by AES Consulting Engineers, a copy of which plat is attached to the County Attorney's report to the Board dated February 28, 2001; and

WHEREAS, Tabb Lakes, Ltd., the owner of the subject property, has requested that the easement be vacated as shown on the plat; and

WHEREAS, following a duly advertised public hearing, the Board has determined that the vacation of the drainage easement, coupled with the dedication by the property owner of a substitute easement, is in the best public interest.

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NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 20th day of March, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an instrument vacating a portion of an existing twenty foot (20') drainage and utilities easement, such instrument to be approved as to form by the County Attorney.

On roll call the vote was:

Yea:	(4)	Zaremba, Noll, Wiggins, Burgett
Abstention:	(1)	Ashe
Nay:	(0)	

APPLICATION NO. UP-568-01, ROBERT G. HICKS

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on Application UP-568-01 to approve a use permit to authorize an 800 square foot accessory apartment in conjunction with a single-family detached dwelling on property located at 206 Skimino Landing Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-40.

Chairman Burgett called to order a public hearing on proposed Resolution R01-40 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING TO BE
CONSTRUCTED IN SKIMINO LANDING ESTATES

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mr. Zaremba commended staff for its inclusion of the position of the Homeowner's Association on this matter and suggested that planners look at the regulations and ordinances to insure that there are no future abuses of accessory apartments

Mr. Ashe then moved the adoption of proposed Resolution R01-40 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING TO BE
CONSTRUCTED IN SKIMINO LANDING ESTATES

WHEREAS, Robert G. Hicks has submitted Application No. UP-568-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-21; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of March, 2001, that Application No. UP-568-01 be, and it is hereby, approved, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-21.
2. Building plans in substantial conformance with the sketch plan submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The combined number of bedrooms in the principal dwelling and the accessory apartment unit shall not exceed five (5).
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. The accessory apartment shall be constructed in conjunction with or subsequent to, but in no case prior to, the construction of the principal dwelling unit.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

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Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPLICATION NO. UP-569-01, RICHARD AND MARY CHAPMAN

Mr. Carter made a presentation on Application No. UP-569-01 to approve a use permit to authorize a 950 square foot accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-41.

Mr. Richard Chapman, the applicant, explained that extra effort went into the design of the apartment so that it would blend in with his house. He stated the bottom floor would be used as a woodworking shop and a garage.

Chairman Burgett called to order a public hearing on proposed Resolution R01-41 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING AT 103 WINFREE
LANE

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mr. Ashe then moved the adoption of proposed Resolution R01-41 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING AT 103 WINFREE
LANE

WHEREAS, Richard and Mary Chapman have submitted Application No. UP-569-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board of Supervisors has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of March, 2001, that Application No. UP-569-01 be, and it is hereby, approved, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1.
2. Building plans in substantial conformance with the preliminary floor plans and building renderings dated received January 3, 2001, submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 950 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Zaremba stated the Board of Supervisors was a user-friendly body that encouraged citizen participation in everything it does. He reviewed some of the rules of the meetings, including the three-minute time limit in which citizens may state their case. He gave suggestions for

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citizen presentations and asked the citizens to let the Board know their concerns. He explained that Phase I of the revitalization of Yorktown is almost complete. He reported on the damages, destruction, and graffiti throughout the Yorktown village, and he asked the citizens to report any vandalism to the proper authorities.

Chairman Burgett stated it was sad that the County had to put up with graffiti in Yorktown, including at the new Tabb Library. He noted the Board may want to consider some kind of program or activity to deter this behavior in youngsters. He also reported on attending the St. Mark's Lutheran Church groundbreaking, and stated that later this week he would be attending the Chic Filet grand opening. Chairman Burgett then explained the schedule for seeking a County Administrator which included reviewing resumes this week, selecting interviewees during the Closed Session on April 3, conducting interviews on April 10 during the Closed Session, and then making a final selection on April 17, 2001. He stated he would like to discuss the unfinished budget items, including contributions and the educational elements, at the April 27 work session. Other areas for discussion are procurement policies with regard to sewer extensions. He further stated that after the adoption of the budget he would like to discuss drainage issues and economic development.

CONSENT CALENDAR

Mr. Wiggins asked that Item No. 6 be removed from the Consent Calendar.

Mr. Zaremba asked that Item No. 10 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 5, 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

February 20, 2001, Regular Meeting
February 21, 2001, Adjourned Meeting

Item No. 7. PURCHASE AUTHORIZATION: Resolution R01-49(R).

A RESOLUTION TO AUTHORIZE PROCUREMENT OF AUDIT SERVICES, AND COMPUTER UPGRADE

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of March, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Audit Services - FY2001	\$ 47,750
Computer Upgrade	122,000

Item No. 8. CLAXTON CREEK SANITARY SEWER EXTENSION PROJECT: Resolution R01-58.

A RESOLUTION TO APPROVE THE EXECUTION OF A CONTRACT WITH J. SANDERS CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE CLAXTON CREEK VACUUM SEWER PROJECT AND TO APPROPRIATE AN ADDITIONAL \$225,000 FROM FUND 74 - WATER AND SEWER EXTENSION FUND

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, to fully fund the Claxton Creek Sewer Project an additional funding of \$225,000 in Fund 74 - Water and Sewer Extension Fund, is required by the Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of March, 2001, that additional funding totaling \$225,000 be, and is hereby, appropriated in Fund 74 - Water and Sewer Extension Fund, for the Claxton Creek Sewer Project.

BE IT FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Claxton Creek Vacuum Sewer Project	\$ 1,165,499

Item No. 9. STREET ACCEPTANCE: Resolution R01-54.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN TREBOR PASTURES INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

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WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of March, 2001, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Trebor Pastures and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 20, 2001

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Trebor Pastures

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Combs Loop, State Route Number 1714

Description: **From:** Route 1718, Trebor Lane
To: End of loop
A distance of: 0.15 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Rosetta Drive (north), State Route Number 1715

Description: **From:** Intersection of Route 1718, Trebor Lane
To: End of cul-de-sac
 A distance of: 0.04 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Rosetta Drive (west), State Route Number 1715

Description: **From:** Intersection of Route 1718, Trebor Lane
To: End of cul-de-sac
 A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Trebor Lane, State Route Number 1718

Description: **From:** Route 1717, Brentmeade Drive
To: 0.04 mile north to end of median
 A distance of: 0.04 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 08/14/95, Plat Book 12, Pages 275-282, and on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Description: **From:** 0.04 mile north of Route 1717, Brentmeade Drive
To: Intersection of Route 1714, Combs Loop
 A distance of: 0.02 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Description: **From:** Intersection of Route 1714, Combs Loop
To: Route 1715, Rosetta Drive
 A distance of: 0.04 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 04/28/1999, Plat Book 12, Pages 687-688, with a width of 50 ft.

Item No. 6. APPOINTMENT OF SPECIAL POLICE OFFICERS: Proposed Resolution R01-27 (Removed from the Consent Calendar)

Mr. Wiggins questioned why special police officers were needed in the County.

Mr. McReynolds explained that in order for Mr. Seaborn and Ms. Corbin to enforce the zoning requirements of the County, they must have special police ability.

Mr. Wiggins then moved the adoption of proposed Resolution R01-27 which reads:

A RESOLUTION REQUESTING THE YORK COUNTY SHERIFF TO
 APPLY TO THE YORK COUNTY CIRCUIT COURT FOR THE
 REAPPOINTMENT OF CARROLL D. SEABORN AND THE

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APPOINTMENT OF JOYCELYN YVONNE CORBIN AS SPECIAL
POLICE OFFICERS

WHEREAS, Carroll D. Seaborn is presently employed as the Code Compliance Supervisor for York County, and at the request of the Board was appointed in 1997 by the Circuit Court as a Special Police Officer pursuant to section 15.2-1737 of the Code of Virginia, an appointment which expires automatically after four years; and

WHEREAS, Joycelyn Yvonne Corbin has begun employment as a Code Compliance Officer for York County; and

WHEREAS, as such it is her responsibility to see that zoning and other land use control laws of the County are observed and obeyed; and

WHEREAS, the Board desires to request the York County Sheriff to apply to the Circuit Court to reappoint Carroll D. Seaborn as a Special Police Officer, and to appoint Ms. Corbin as a Special Police Officer in order to enable them to enforce more effectively the appropriate codes and ordinances of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of March, 2001, that it does hereby request the York County Sheriff to make application to the Circuit Court pursuant to section 15.2-1737 of the Code of Virginia for the reappointment of Carroll D. Seaborn, and the appointment of Joycelyn Yvonne Corbin, as Special Police Officers for York County, each for a period of four years or until termination of employment with York County, whichever shall first occur, without the requirement to carry a weapon while carrying out official duties, and without the requirement to wear a uniform, but without any prohibition on the wearing of any special clothing, such appointment to authorize each of them to carry on his or her person and present upon demand an identification card or other document identifying them as an employee of York County and also an attested copy of the court order as evidence of appointment as a Special Police Officer.

BE IT FURTHER RESOLVED that the Board hereby requests the Circuit Court to approve such application once received.

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized, upon the reappointment of Mr. Seaborn and the appointment of Ms. Barnes, to pay whatever bonds the court may require.

BE IT STILL FURTHER RESOLVED that the Clerk of this Board shall forward an attested copy of this resolution to the Honorable Prentis Smiley, Judge of the Circuit Court of York County.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Item No. 10. PUBLIC SEWER EXTENSION AGREEMENT – PRESIDENT'S PARK: Proposed Resolution R01-56.

Mr. Zaremba asked for further clarification on this item from Mr. Hudgins.

Mr. John Hudgins, Director of Environmental and Development Services, explained that the Presidents' Park facility will have retail shops and restroom facilities, and this extension is to bring water and sewer those facilities.

Mr. Zaremba then moved the adoption of proposed Resolution R01-56 which reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT TO BE KNOWN AS PRESIDENTS PARK, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, FCR Group has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a commercial development to be known as Presidents Park; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$11,500.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of March, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Presidents Park, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with FCR Group for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was :

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

NEW BUSINESS

REQUEST FOR REDUCTION OF SEWER CONNECTION FEE.

Mr. McReynolds briefed the Board on proposed Resolution R01-61 to deny the request of Kenneth R. Jaworski for waiver of the regular sewer connection fee. He explained this was a request by Mr. Jaworski to pay the initial connection fee rather than the fee that is required after the initial 90-day period has expired.

Mr. Zaremba asked if Mr. Jaworski was properly notified and that he responded.

Mr. McReynolds stated Mr. Jaworski acknowledged having received a notice but did not interpret the notice to be a mandatory connection and neglected to take advantage of the lower connection fee during the appropriate period.

Mr. Zaremba stated he felt sympathetic to Mr. Jaworski's request, but stated the Board would be opening the doors for other such petitions.

Mrs. Noll noted she was empathetic to Mr. Jaworski, but felt it is the responsibility of the homeowner to make contact with the County if the letter was not understood. She stated the County has a set of standards, and those standards must be followed.

Mr. Wiggins also sympathized with Mr. Jaworski, but explained the Board had had several of these requests before, and it had to charge the full amount. Those citizens interested in purchasing lots need to investigate the sewer tap status and fees.

Mr. Ashe stated the main purpose of bringing the sewer into the outlying areas is to correct failing septic systems and to get more citizens on city water. He suggested the County may need to look at the amount of time the citizen is given to comply with the request for connection. He also felt there might be some room to go back and look into adjusting the time frame in which the sewer tap is installed as opposed to when it is actually connected since there is a monthly fee involved.

Mr. Hudgins explained the fee structures and the system of notifications to the citizens.

Discussion followed regarding the sewer tap fees.

Chairman Burgett stated he felt sewer connection fees could be discussed in much greater detail at a later date. He stated the \$2,500.00 initial sign-on fee was an incentive to get citizens to sign up and that the actual cost to get the sewer was approximately \$11,000.00. He noted he felt that the current fee of \$8,500.00 was still a bargain.

Mrs. Noll then moved proposed Resolution R01-61 which reads:

A RESOLUTION DENYING THE REQUEST OF KENNETH R.
JAWORSKI FOR WAIVER OF REGULAR SEWER CONNECTION FEE

WHEREAS, Kenneth R. Jaworski has submitted to this Board a request that the regular sewer connection fee be waived, and only the initial sewer connection fee imposed, for a delinquent sewer connection for Mr. Jaworski's residence at 233 Kings Grant Drive; and

WHEREAS, Mr. Jaworski has failed to connect his residence to the facilities of the County installed as part of the Dare Section 2 sewer project within 90 days of having been advised of the completion of the project, and consequently is obligated by virtue of County Code § 18.2-62 to pay the regular connection fee; and

WHEREAS, County records indicate that ample notice was sent to Mr. Jaworski advising him of the consequences for the failure to connect to the sewer system within the time required by County ordinances;

March 20, 2001

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 20th day of March, 2001, that the Board recommends that the request of Kenneth R. Jaworski as set out in his letter to the Board dated March 6, 2001, is hereby denied.

On the roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 8:56 p.m. Chairman Burgett declared the meeting adjourned to 6:30 p.m., Thursday, March 22, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors